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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,272	04/02/2001	Hyun-doo Shin	Q59549	7285
7590 09/08/2005			EXAMINER	
SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC 2100 PENNSYLVANIA AVENUE, N.W. WASHINGTON, DC 20037-3213			HUNG, YUBIN	
			ART UNIT	PAPER NUMBER
			2625	

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/823,272

Applicant(s)

SHIN ET AL.

Examiner

Yubin Hung

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-8 and 10-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-8 and 10-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. <u>07/24/05</u> . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____. |

Response to Amendment

1. Applicant's request (04/15/2005) for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.
2. Claims 2 and 9 have been canceled; claims 1, 3-8 and 10-12 are still pending.
3. Examiner acknowledges receipt of the replacement drawing for Fig.1 (filed 01/18/2005). As a result, the objection to the drawings has been withdrawn.

DETAILED ACTION

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3, 7, 12, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wan et al. ("A New Approach to Image Retrieval with Hierarchical Color

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Clustering," *IEEE Trans. on Circuits and Systems for Video Technology*, Vol. 8, No. 5, Sep. 1998, pp. 628-643), in view of Kothuri et al. (US 6,381,605).

6. Regarding claim 1, and similarly claim 7, Wan discloses

(pa-1) partitioning the feature vector data space into a plurality of cells having a uniform size
[P. 631, Section B(1). Note that the feature vector space is the color space (colors of the pixels being the feature vectors). Note further that the last three lines of Section B(1) suggests further partitioning of the cells]

Wan does not expressly disclose the following limitations; however, Kothuri et al. teaches/suggests them as indicated below:

- (a) determining whether one or more cells from said plurality of cells, on each of which one or more of said plurality of feature vectors are correspondingly concentrated, exist
[Fig. 5, numerals 506, 518; Col. 14, line 55 - Col. 15, line 43. Note that Node Capacity is a predetermined threshold]
- (b) hierarchically indexing the feature vector data space when it is determined that said one or more cells, on each of which said one or more of said plurality of feature vectors are correspondingly concentrated, exist in the step (a), wherein, one or more feature vectors are concentrated in a cell when the cell contains more feature vectors than a predetermined threshold.
[Fig. 5, the loop of refs. 506-522; Col. 3, lines 27-37; Col. 14, lines 55-56. Note that the recursive portioning of the feature space (see Fig. 5) inherently defines a tree structure that serves as the hierarchical indexing of the partitioned feature space with each leaf node corresponds to a cell]

Wan and Kothuri are combinable because they have aspects that are from the same field of endeavor of image indexing.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify Wan with the teachings Kothuri by hierarchically indexing the feature

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space if some cells have more feature vectors than a predetermined threshold. The motivation would have been to ensure that each cell contains no more feature vectors than a threshold determined by a parameter of a suitable physical storage device, as Kothuri indicates in column 3, lines 35-38.

Therefore, it would have been obvious to combine Kothuri with Wan to obtain the invention as specified in claim 1.

7. Regarding claim 3, the combined invention of Wan and Kothuri further discloses

- Constructing a histogram illustrating a number of said plurality of feature vectors in each of a plurality of cells, including said one or more cells
[Wan: P. 629, Sect. II.A. Note that the color of a pixel is a feature vector and each cell of a partition of the color (i.e., feature) space corresponds to a histogram bin]
- Analyzing a distribution of said plurality of feature vectors using the histogram and determining whether said one or more cells, on each of which said one or more of said plurality of feature vectors are correspondingly concentrated, exist.
[Kothuri: Fig. 5, numerals 506, 518. Note that each cell, or node, corresponds to a histogram bin]

8. Regarding claim 12, and similarly claim 13, Kothuri et al. further discloses using nearest neighbor query to conduct search [Col. 19, lines 30-39]. Therefore, claim 12 is rejected per claim 1 and the additional disclosure recited above.

9. Claims 4-6, 8, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wan et al. ("A New Approach to Image Retrieval with Hierarchical

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Color Clustering," *IEEE Trans. on Circuits and Systems for Video Technology*, Vol. 8, No. 5, Sep. 1998, pp. 628-643) and Kothuri et al. (US 6,381,605) as applied to claims 1, 3, 7, 12, 13 above, and further in view of Weber et al. ("A Quantitative Analysis and Performance Study for Similarity-Search Methods in High-Dimensional Spaces," *Proceedings of the 24th International Conference on Very Large Data Base*, New York, August 1998, pp. 194-205).

10. Regarding claim 4, the combined invention of Wan and Kothuri et al. discloses everything except for the following limitations. However, Weber et al. teaches/suggests them as indicated below:

- The indexing method of claim 1, wherein the step (b) comprises the step of indexing the feature vector data space using a vector approximation file
[Section 4.1, lines 1-13]

The combined invention of Wan and Kothuri is combinable with Weber because they have aspects that are from the same field of invention of image indexing.

At the time of the invention, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined invention of Wan and Kothuri by using VA-file for indexing as taught by Weber in order to overcome the indexing difficulty resulted from increased dimensionality of the feature space.

Therefore, it would have been obvious to combine Weber with Wan and Kothuri to obtain the invention as specified in claim 4.

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11. Claims 5 and 6 are similarly analyzed and rejected as per claims 1 and 4 since Kothuri et al. discloses recursive partition of cells in Figure 5 and Weber et al. teaches approximating the data points (i.e., feature vectors) that fall into each cell with the corresponding VA-file in lines 5-8 of Section 4.1.

12. Claims 8 and 10 are medium claims of claims 4 and 6, respectively, and are therefore similarly analyzed and rejected.

13. Claim 11 is a medium claim for the combined method of the methods recited in claims 3-6, respectively, and is therefore similarly analyzed and rejected.

Contact Information


14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yubin Hung whose telephone number is (571) 272-7451. The examiner can normally be reached on 7:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on (571) 272-7453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Yubin Hung
Patent Examiner
August 30, 2005


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